



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,800	11/18/2003	Timothy W. Girdalin	8591-113	6779

36412 7590 01/03/2006

DUCKOR SPRADLING METZGER
401 WEST A STREET, SUITE 2400
SAN DIEGO, CA 92101-7915

EXAMINER

MANCHO, RONNIE M

ART UNIT PAPER NUMBER

3663

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/716,800	Applicant(s) GIRALDIN ET AL.	
	Examiner Ronnie Mancho	Art Unit 3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. In independent claims 1, 10, and 19, the applicant claims “a confined area”. The confined area is indefinite. The limitation confined could mean an area confined within a fence, a wall, a radius of operation of communication signals, map boundary, etc.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3663

5. Claims 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Gaukel (6100806).

Regarding claim 1, Gaukel (abstract, figs. 1-3, 13, 14) discloses a method of communication for a confined area of a facility (figs. 13&14), comprising:

receiving personal identification information of a guest into at least one of a set of stations (80, 92, figs. 8-15; col. 12, lines 1-4; col. 11, lines 48-65) distributed throughout the confined area (col. 8, lines 36 to col. 9, lines 1-32; col. 11-14);

displaying on any of the stations, at least one person icon or place icon on a map of the confined area (figs. 13&14; col. 19, lines 1 to col. 20, lines 1-30);

receiving from the guest a select signal indicative of at least one of said person icons or place icons (figs. 13&14; col. 19, lines 1 to col. 20, lines 1-30);

selecting a certain route to a selected one of said icons (figs. 10-15); and

displaying direction indicia from the location of the guest to a selected one of said icons (figs. 13&14; col. 19, lines 1 to col. 20, lines 1-30).

Regarding claim 2, Gaukel (abstract, figs. 1-3, 13, 14; cols. 17-19) discloses the method according to claim 1, wherein said place icon indicates an amenity, and further including displaying a menu message of a list of amenities disposed within the confined area

Regarding claim 3 Gaukel (abstract, figs. 1-3, 13, 14; cols. 17-19) discloses the method according to claim 2, further including receiving an amenity select signal indicative of at least one of said amenities

Regarding claim 4 Gaukel (abstract, figs. 1-3, 13, 14; cols. 17-19) discloses the method according to claim 3, further including displaying at least one amenity icon in response to said amenity select signal.

Regarding claim 5 Gaukel (abstract, figs. 1-3, 13, 14; cols. 17-19) discloses the method according to claim 1, wherein said direction indicia is in the form of a line extending to the selected indicia.

Regarding claim 6 Gaukel (abstract, figs. 1-3, 13, 14; cols. 17-19) discloses the method according to claim 1, further including determining a direct route to the selected icon, said direction indicia being indicative of the determined direct route.

Regarding claim 7 Gaukel (abstract, figs. 1-3, 13, 14; cols. 17-19) discloses the method according to claim 1, further including determining a scenic route to the selected icon, said direction indicia being indicative of the determined scenic route.

Regarding claim 8 Gaukel (abstract, figs. 1-3, 13, 14; cols. 17-19) discloses the method according to claim 1, further including determining a handicapped

person's route to the selected icon, said direction indicia being indicative of the handicapped person's route.

Regarding claim 9 Gaukel (abstract, figs. 1-3, 13, 14; cols. 17-19) discloses the method according to claim 1, further including displaying at least two of a group of person icons and place icons, said direction indicia between said at least two icons.

Regarding claim 10, Gaukel (abstract, figs. 1-3, 13, 14; cols. 17-19) discloses a system of communication for a confined area of a facility (figs. 13&14), comprising:

means for receiving personal identification information of a guest into at least one of a set of stations (80, 92, figs. 8-15; col. 12, lines 1-4; col. 11, lines 48-65) distributed throughout the confined area (figs. 13&14; col. 19, lines 1 to col. 20, lines 1-30);

means for displaying on any of the stations at least one person icon or place icon on a map of the confined area (figs. 13&14; col. 19, lines 1 to col. 20, lines 1-30);

means for receiving from the guest a select signal indicative of at least one of said person icons or place icons (figs. 13&14; col. 19, lines 1 to col. 20, lines 1-30);

means for selecting a certain route to a selected one of said icons (figs. 10-15); and

means for displaying direction indicia from the location of the guest to the selected one of said icons (figs. 13&14; col. 19, lines 1 to col. 20, lines 1-30).

Regarding claim 11 Gaukel (abstract, figs. 1-3, 13, 14; cols. 17-19) discloses the system according to claim 10, wherein said place icon indicates an amenity, and further including means for displaying a menu message of a list of amenities disposed within the confined area.

Regarding claim 12 Gaukel (abstract, figs. 1-3, 13, 14; cols. 17-19) discloses the system according to claim 11, further including means for receiving an amenity select signal indicative of at least one of said amenities.

Regarding claim 13 Gaukel (abstract, figs. 1-3, 13, 14; cols. 17-19) discloses the system according to claim 12, further including means for displaying at least one amenity icon in response to said amenity select signal.

Regarding claim 14 Gaukel (abstract, figs. 1-3, 13, 14; cols. 17-19) discloses the system according to claim 10, wherein said direction indicia is in the form of a line extending to the selected indicia.

Regarding claim 15 Gaukel (abstract, figs. 1-3, 13, 14; cols. 17-19) discloses the system according to claim 10, further including means for determining a direct

Art Unit: 3663

route to the selected icon, said direction indicia being indicative of the determined direct route.

Regarding claim 16 Gaukel (abstract, figs. 1-3, 13, 14; cols. 17-19) discloses the system according to claim 10, further including means for determining a scenic route to the selected icon, said direction indicia being indicative of the determined scenic route

Regarding claim 17 Gaukel (abstract, figs. 1-3, 13, 14; cols. 17-19) discloses the system according to claim 10, further including means for determining a handicapped person's route to the selected icon, said direction indicia being indicative of the handicapped person's route.

Regarding claim 18 Gaukel (abstract, figs. 1-3, 13, 14; cols. 17-19) discloses the system according to claim 10, further including means for displaying at least two of a group of person icons and place icons, said direction indicia between said at least two icons.

Regarding claim 19, Gaukel (abstract, figs. 1-3, 13, 14) discloses a software system of communication for a confined area of a facility (figs. 13&14), comprising:

a module for receiving personal identification information of a guest into at least one of a set of stations (80, 92, figs. 8-15; col. 12, lines 1-4; col. 11, lines 48-

65) distributed throughout the confined area (figs. 13&14; col. 19, lines 1 to col. 20, lines 1-30);

a module for displaying at any of the stations at least one person icon or place icon on a map of the confined area (figs. 13&14; col. 19, lines 1 to col. 20, lines 1-30);

a module for receiving from the guest a select signal indicative of at least one of a said person icons or place icons;

selecting a certain route to a selected one of said icons (figs. 10-15); and

module for displaying direction indicia from the location of the guest to the selected one of said icons (figs. 13&14; col. 19, lines 1 to col. 20, lines 1-30).

Regarding claim 20, Gaukel (abstract, figs. 1-3, 13, 14) discloses the software system according to claim 19, wherein said place icon indicates an amenity, and further including module for displaying a menu message of a list of amenities disposed within the confined area.

Regarding claim 21, Gaukel (abstract, figs. 1-3, 13, 14) discloses the software system according to claim 20, further including module for receiving an amenity select signal indicative of at least one of said amenities.

Regarding claim 22, Gaukel (abstract, figs. 1-3, 13, 14) discloses the software system according to claim 21, further including module for displaying at least one amenity icon in response to said amenity select signal.

Regarding claim 23, Gaukel (abstract, figs. 1-3, 13, 14) discloses the software system according to claim 19, wherein said direction indicia is in the form of a line extending to the selected icon.

Regarding claim 24, Gaukel (abstract, figs. 1-3, 13, 14) discloses the software system according to claim 19, further including module for determining a direct route to the selected icon, said direction indicia being indicative of the determined direct route.

Regarding claim 25, Gaukel (abstract, figs. 1-3, 13, 14) discloses the software system according to claim 19, further including module for determining a scenic route to the selected icon, said direction indicia being indicative of the determined scenic route

Regarding claim 26, Gaukel (abstract, figs. 1-3, 13, 14) discloses the software system according to claim 19, further including module for determining a handicapped person's route to the selected icon, said direction indicia being indicative of the handicapped person's route.

Regarding claim 27, Gaukel (abstract, figs. 1-3, 13, 14) discloses the software system according to claim 19, further including module for displaying at least two of a group of person icons and place icons, said direction indicia between said at least two icons.

In claims 19-27, the statements of intended use or field of use, “receiving”, “selecting”, “displaying”, “determining”, etc clauses are essentially method limitations or statements of intended or desired use. Thus, these claims as well as other statements of intended use do not serve to patentably distinguish the claimed structure over that of the reference. See *In re Pearson*, 181 USPQ 641; *In re Yanush*, 177 USPQ 705; *In re Finsterwalder*, 168 USPQ 530; *In re Casey*, 512 USPQ 235; *In re Otto*, 136 USPQ 458; *Ex parte Masham*, 2 USPQ 2nd 1647.

See MPEP § 2114 which states:

A claim containing a “recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from the prior art apparatus” if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ 2nd 1647.

Claims directed to apparatus must be distinguished from the prior art in terms of structure rather than functions. *In re Danly*, 120 USPQ 528, 531.

Apparatus claims cover what a device is not what a device does. Hewlett-Packard Co. v. Bausch & Lomb Inc., 15 USPQ2d 1525, 1528.

As set forth in MPEP § 2115, a recitation in a claim to the material or article worked upon does not serve to limit an apparatus claim

Response to Arguments

6. Applicant's arguments filed 10/6/05 have been fully considered but they are not persuasive.

The applicant is arguing that the prior art does not disclose “a confined area if a facility”. The examiner disagrees. The limitation “confined” is indefinite. The limitation confined could mean an area confined within a fence, a wall, a radius of operation of communication signals, map boundary, etc. The applicant even admits that in the prior art, a person is tracked within an area or an *inclusion zone* where the person is permitted to be. The applicant further admits that the continent of the united states is within secured boundaries and thus is a confined area disclosed by the prior art. Therefore, it is believed that the prior art disclose a confined area. It is believed that the prior art (figs 9-15) disclose a confined area which is directed to area within a facility e.g. a building, a radius of operation of communication signals, a map boundary, etc.

The applicant further argues that the prior art does not disclose displaying a direction from the displaying station to a selected one of said icons. The examiner again disagrees. It noted that the applicant admits that the prior art used GPS and disclose a path traveled from one location to another. GPS inherently is used all over the world and gives directions or paths from any point on earth to any other point on earth. It is further noted that fig. 14 shows a path from one location to another. The tracking stations 80, 92 (distributed in the confined area) of the prior art actually track the movements of a prisoner for example within a confined area. If the prisoner violates the law by traveling to a forbidden area, the tracking stations see his movements on the tracking station displays and a route from the tracking station to the prisoner is determined so that law enforcement officers apprehend the prisoner or further actions taken.

The applicant further argues that there is no teaching of receiving personal identification from a guest. The examiner disagrees. A prisoner wearing the tracking system is given an ID so that the particular prisoner is properly tracked.

The applicant further argues that the prior art does not select an icon. It is noted that the prior art disclose many icons indicating the person or object tracked on the drawings of the prior art.

The applicant further argues that the prior art does not select any route but admits that the prior art disclose a selected path on which a tracked person or object is traveling. The examiner does not understand the basis of the argument.

It is believed that the rejections are proper and stand..

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Communication


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronnie Mancho whose telephone number is 571/272/6984. The examiner can normally be reached on Mon-Thurs: 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571/272/6878. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronnie Mancho
Examiner
Art Unit 3663

12/27/05


MATTHEW LUU
PRIMARY EXAMINER